File No. 156 of 03

Serial Nos. 1 - 16.

1908:09

(Sup. Rev)

182, B. March 1916.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 16

Major Part B. for Year 1909.

SUBJECT.

Claim to Toddy Revenue of Amble, Kayalpatnam & Kongalambadi villages, Nanjanad Taluk.

1. From the Excise Commissioner in Fort St. George
No. 2334-110 & 11-Tx-1903.

Submits with his opinion the records of the Claim to the Toddy Revenue of Amble, Kayalpatnam & Kongalambadi villages, Nanjanad Taluk.

2. To the Inam Superintendent
No. 541 & 30-I-1904.

Forwards the records & calls for his opinion.

I. R. S. 58

3. From the Inam Superintendent
No. 89 & 9-2-1904.

States that as the item 'Toddy' was not enjoyed by the Kuamdars at the time of settlement

No. 3587-E dt 3-8-19

Returns the file

subject of Toddy Revenue from

and directs the Diwan to fix

Revenue of Kongalacy.

5.

No. 8548 - 33 dt. 28. April - 1904.

Requests re-consideration of the

fee Kongalacy Circle.

6.

No. 424 dt 21. VII. 1904

Requests the forwardal of the records

connected with the above.

7.

No. 136-16 dt 237/1904.

Forwards the records called for

8.

No. 425 dt 21. VII. 1904.

Calls for [illegible] in the matter.

9.

No 19 dated 29. VII. 1904.

States that the Toddy Revenue may

be conceded

10.

No 1300 dt 1. Septr. 1904.

Calls for reasons in support of his

views.

11.

No. 36 dt 17. Septr. 1904.

Submits the information called for

Continued

S. K. 122-03. (1)

FICE OF THE DEWAN OF MYSORE,
REVENUE AND GENERAL DEPARTMENTS).

(Full Office Note.)

‡ **Subject.** Ex-Commissioner no. 334/100 of 11-15th Selected Inam tody Claim of Anbale, Kagyalur & Konga halli villages. Nagamangal Taluk

* **Note.** In the Vignapana patrika of 27th Septr 1880 from H. Krishnaswami Rao Inamdar to the Amildar of the Taluk granting the above villages to the Inamdar as Sarvamanya no mention of the items of revenue alienated is made. But in the order or "Jari patra" issued by the Amildar of Kalale Taluk on 20th May 1832 to the Shanbhog. patel & other pergola of the above 3 villages it is said. "

‡ 1. No. and date of Letter
2. Catch words to show nature
3. Subject to be in red and body

* 1. Statement of case in narrative form in regular sequence of subject matter or date.
2. Opinions to be stated only as supported by precedents, or general rules which should always be quoted.
3. Serial numbers in file, &c., to be always stated.
4. Dates of important documents referred should be given.
5. Write on both sides, leaving the same side as margin.

[illegible] ... "

Anbale village :- The matter claim to the Toddy revenue of this village has been conclusively proved by the terms of the Inam Settlement as well as long & continued enjoyment. This village has a shop and also a grove.

4. Kaggalur :- In col. 19 of the Inam register of occupiers of this village (Dt. Ramnad Sept. 1918 noted) "Sendi" is ~~said to be~~ one of the items of revenue enjoyed by the mate, but in col. 20 the Inam Settlement Officer mentioned under date 5th September 19. "the items of Sayam & ~~Sendi~~ Toddy are said by those present to have been enjoyed for the last Sayam. Call on the Amin to put forth how long these have enjoyed, since & the items for the last 5 years". Beyond this nothing is said about "toddy" in this register. Inam title deed of this village is not produced. It is not therefore quite clear

that the Inam Settlement
recognised the mate's claim
right to the toddy revenue of
Kaggalur village. However
the matt has continued to
enjoy this revenue even
after the Inam Settlement
(vide Copies of Muchalikas produced)
the recognition by the Inam
Dept. has therefore to be
presumed. Otherwise the
case falls under rule 20.
The investigating Officer Mr
C. Venkatrao, & the Revenue Comp
have recognised the claim.
This village has a shop & a stone.

Kongahalli:- In this village the Inam Dept.
has remarked "Those present
(vide Col. 20 of the Asli Case) admit
that there is no present enjoy-
ment of the items of Sayer &
Toddy, which are reserved
as well as that of arrack."
The only proof of the enjoyment of
toddy revenue of this village
by the matt is two muchalikas
one for 1849-50 & another for
1864-65 executed by toddy drawers

The Collector's power in
Respect of Revenue Settlement
Inam Settlement & Survey Settlement
[illegible] does not
[illegible] Inam

[illegible] & unverified

So the claim has not been recognised by the Inam Settlement nor does the case fall under rule 19 or 20; the claim has therefore been disallowed by the Asst Comr, But the Excise Comr is of opinion that the Watt cannot be deprived of this item of revenue as it has been alienated for this & the other two villages named above in one & the same Inam, so it is probable that at the time of Inam Settlement no trees were taxed in this village & therefore there was no appearance on behalf of the Watt admitted that there was then no enjoyment of toddy revenue. ~~He argument~~ But the ~~does not seem to support the claim in any way as the~~ Watt had not apparently appealed against the reservation made by the Inam Settlement officer for future disafforestation.

His village has only toddy trees but no shop. If in spite of the above facts the claim of this village is admitted, the question will be if the village is to get any thing from Govt. under rule 13 as the Inam gets the tree tax of the trees of this village along with the revenue, or as the revenue of the other two villages under rule 9 & 11 & 12, since these trees are respected for the right of the other villages.

Rule 2 for order.

vide statement of the Inamdar, before the investigating Officer.

T&Rec
2/12/03

4/12/03

Rule 22 seems to be wanting somewhat in clearness. But the first part clearly says that where the Inam Deptt has disallowed the claim, any rent shd be awarded. The latter part however introduces an exception in favour of 'Conclusively established' claims; but where the finding has as in this case been long acquiesced in, I think the Inam Settlement decision shd not be reopened. Draft submitted accordingly.

To the Dewan,
through the 2nd. Councillor.

552/13-12-03
Channapatna

The order proposed is I think correct - There is no doubt whatever that the Mutt is entitled to the excess revenue of the Villages of Ambale and Kaggalur - As regards the Village of Kodyahalli however it appears to me that the Mutt has not established its claim to anything more than the rent. The Inam deed reserved the kodige excess revenue to Govt and the Mutt has not established any enjoyment - Rules 20 & 22 Board therefore abdg — C.

21/12/03

14831/21.12.03.

Note Considered

Draft proceedings on file

"Call the attention of the Inam Superintendent to the Memo and enquire why notice is served on the Kodige peon the Inam Settlement withheld it from the Amildar of Kongahalli" The Inam Superintendent

was accordingly written to
and in reply he stated that
the item "Todry" was admitted
not enjoyed by the Inamdar
at the settlement & was
therefore resumed."

Filed with the draft

True
12/2/04

12/2/04 to the Diwan
thro' the 2nd Ft.

15/2/04

Seen - The draft in the file
is all right.

15/2/04

15/2
15/2/04

15925
17.2.04.

Letter no. 8500/337, dt. 28/4/04 from the Special Commr. in Mysore, submitting for reconsideration the claim to the Todry revenue of Kongahally village

No new points not discussed in the note are put forward

Filed for orders to the Secy

17/2-7-04 Mysore.

mt 3016. 1/7/04

Laid before the Hon'ble Councillor
2.7.1904

The record may be called for and the Inamdar's petition invited

8

on the Excise Court's present-
representation - C.
4/7/04.

2 drafts submitted for approval

M
4.7.04. Passed 4/7/04

Letter no 69 of the 29th July 1904 from the Inam Supdt in which he submits his views in reply to this office docket no

H 425
SR 12-01 of the 21st July 1904.

Flag Z. The Inam Supdt is in favour of conceding the todry revenue to the Inamdar of Kongahalli village. The records connected with the case, recd from the Excise Court, is also to be filed for orders. It is not clear how this opinion of the Inam Supdt can be reconciled with the decision of Col Cole referred to in the Supdt's docket of 10-2-04 - Flag C.

Ask for reason
&
15.8.1904

Subo to the Secy
13/8/04

Draft Subo
16/8/04

Passed
16/8/04

General and Revenue Secretariat.

~~122~~ ~~156~~ 1903-03

S.R File No. 12 of 1903

Serial No.

To the Supdt of Inam Settlements in Mysore.
No 7E 1300 of the 18th Sept 04.

Requesting him to give reasons for his view that the Inamdar's claim to Kongahalli village seems to be sound and may be acted upon.

From the Supdt of Inam Settlements
no ~~36~~ 36 of the 17/9/04.

States that all the three villages which were given by one grant should receive one and the same treatment.

y

The Inam Supdt states that the three villages, viz Amble, Kaggalur & Kongahalli, ~~villages~~ should receive the same treatment; as they were all given by one and the same sanad. He suggests that they should be treated as a collective grant. He holds that the Inamdar is entitled to the total revenue of the Kongahalli village also, though this view

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

G.R.S. 12]

General and Revenue Secretariat.

S.R File No. 152/156 of 1902

Serial No.

7

Cannot be reconciled with Col Coles decision.

A draft allowing the Claim to the Excise revenue from toddy under rules 2, 5 and 13 of the rules issued in G.O.'s nos 2074-83 dy 2/8/01 & no 1650-9 R.D. 166-92 / R.D. 166-92 dy 17/9/04, is herewith submitted for orders

Mark 6/10/04

This 1/10/04.

30/9/04

Draft submitted to the Dewan Saheb thro' the 1st Councillor &

7.10.1904

7&9/7.10.1904

I regret my inability to agree. The Dewan Settlement reserves the Excise Revenue of the Village to Government and this has been acquiesced in by the Zamindar for some 25 years past - & it is too late now for him to question the correctness of that settlement - Evidently there was Excise & hence the aforesaid

NOTE.—Contn. sheet.

MGCPB—10,000—31-8-0

G.R.S. 12]

General and Revenue Secretariat.

S.R File No. ~~156~~ 122 of 1902

Serial No.

reservation. This is not a case coming within the provisions of either ~~Section~~ Rule 19 or Rule 20 of the Rules published under the ~~to~~ Order of Govt. dt 2/8/01. The present Exam. Capt ~~the~~ C. first gave his opinion against the claim ~~but~~ but has since changed that opinion. Are we to act upon ~~the~~ his last expressed opinion and remit the settlement? I beg to say that we ought not to do so. In a word, the Exam. Deputy Collector did not recognize the claim in question. The Zemindar has not till now had anything to say against this refusal of recognition. No enjoyment for twelve years preceding the year 1892-93 is either asserted or established. Nor an uninterrupted enjoyment for a period of not less than 50 years preceding the year 1892-93

NOTE—Contn. sheet.

MGCPB—10 000—19-5-04

General and Revenue Secretariat.

File No. 122 of 190 3

Serial No.

Under these circumstances I beg to suggest that the Govt can be informed that the Govt see no reason to revise the order already passed by them after careful consideration To hold otherwise would be to establish a most undesirable precedent — C

8/10/04

8.10.1904 3715

13/2.11.04 Recd 11/10/04

The letter is enquiries seem relevant & the Note & memo be made —

Issue as refd (1) Was the Imam settlement right with regard to the Imam & others legally or constructively.

E. Cong (2) Whether there is any body in Purdumen this village and whether Govt have taken credit for such lands either directly, or through its farmers and vendors during the period since the settlement by the Imam village by the Imam Dept.

(3) What is the explanation of the Imandars of this long acquiescence in the Imam settlement regarding their right with Govt?

Note — Contn. sheet.

To Branch II

MGCPB—10 000—19-5-04

Recd 29.12.04 27-12-1904

24. XII. 04

G.R.S. 12]
General and Revenue Secretariat.

SR File No. 122/156 of 1903

Serial No.

2 Drafts sealed to secretary

Encd 3/1/05 87104

4 11.1.05

Passed 11.1.1905

4 11.1.05

To the Supdt of Devaswom Settlements
No H 4446 dt the 17.1.05

Requires whether the Devaswom Settlement was brought to the notice of the Devasvom either officially or Constructively

2 To Excise Comr in reference
No H 4417 dt the 17.1.05

Requires whether there is any toddy produce in this village & whether Govt have taken credit for such produce since the Devaswom Settlement & why the Devasvom long acquiesced in the Devaswom Settlement rejecting the right to toddy produce —

From the Offg Excise Comr.
No. 6966 & 20/2/08.
Requests return of the records for reference in submitting the report called for.
Submitted with a draft returning the records.

Note—Contn. sheet.

M&CPB—20,000—1-11-04

26/2/08

27/2

G.R.S. 12]
General and Revenue
Secretariat.

J. R. 56 of 1903 14
12 2 of 1903
Ex File No. 12 of 1901

Serial No.

From the Essex Comr
No 4128 dy 29/10/04
Recommends the records of
enquiry relating to Kongu
halli & states that for reasons spec-
fied the right to look revenue
is not established
In the letter under reference
the Essex Comr has elaborately
argued the case and comes to
the conclusion that the right
to look revenue of Kongahalli
cannot be allowed.
Mr Purnaiya's argument
contained in his letter no 8500
dy 28/4/04, that all the 3 villages
were granted together under
one & the same Sanad that they
are situated close to each other
& form a group and that they
should therefore be treated alike
does not seem quite acceptable
as the 3 villages were granted
under one & the same Sanad each
village is treated quite independ
of others in every respect. The
Amani Dept also has settled each

NOTE—Contn. sheet.

MGCPB—10,000—31-8-04.

Serial No.

Village Separately
Even supposing that
the Samudrakkara Kovilakam
have recognised the rights of
the Nambudiri, he has not enjoyed
it for more than 60 years and
he has therefore lost it.
If on the other hand it is
held that the Nambudiri has
enjoyed the kudi & cist revenue
of the village in question, by its
people contributing to the revenue
of the other 2 villages, the Nam-
boori Court-Choice any reference
in respect of the former (Kongachali
in question) for reasons explained
in para 4 of the letter under disposal
and write a draft disallowing
the Choice for A.P.I or other orders.

Note—Contn. sheet.

GPB—50.000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

S/R File No. 122 / 186 of 190 3

Serial No.

The three villages were granted by the same Sanad and so far as the question of the rights alienated is concerned, the treatment of one of the villages cannot be different from that of the other two. If alienation of the Abkari revenue of the Rongahally village is admitted, as it should be for the above reason, the case is for the special orders of Govt under rule 19 as "there has been no enjoyment within the twelve years preceding the year 1892-3" If alienation alone did give one Inamdar the right to claim Abkari revenue, the absence of a shop for direct realisation of revenue in the village cannot be urged as reasons against his claim, as enjoyment in the case of a shopless village like the present has to be presumed as its inhabitants must be taken to drink Abkari elsewhere than in their own village. Admitting alienation the present case has, it seems, to be brought under rule 13. That the application of this rule involves some anomalies (please see para 4 of the Excise Commr's letter) is due to

Put the views with current interchange of correspondence regarding the right in regard to Inamdar's alienated villages &c -

Where is this laid down?

They are not anomalies - They are only legitimate consequences which the Sanad ipso facto - The recognition of rights in Khyalli Kood

Not treated as - Shops - that is - fresh payment at all -

NOTE—Contin. sheet.

GPB—50,000—13-5-08

Serial No.

the rule itself and this has been recently pointed out by me while discussing the principle of this rule in another connexion.

Mr
24.11.8

Genl Secy)

The case may be dealt with under ~~Rule~~ 20, by negativing the right of the inamdar ~~of the village~~ to ~~the~~ Revenue of the Kengalle village, on the ground of continued absence of enjoyment.

Mr
27 Nov
(Mr)

8926
27-11-1908

The three villages of Ankole, Kappalur & Kongalli are Sarvamanya villages belonging to the Sri Raghavendra Swami Mutt. They are contiguous villages situated in the Nanjangud Taluk. They are comprised in one & the same grant to the said Mutt.

2 GO no 58, of 3 March 04 & F 12-0 recognised the Inamdar's title to Rent & Revenue in respect of the two villages first named above, denied such title in respect of the third village Kongalli, and

Mr
27 Nov

NOTE—Contn. sheet.

GPB—50.000—13-5-08

G. R. S. 12]
General and Revenue Secretariat.

J. & File No. 122 of 1903

Serial No.	
	and refused to accord special
	treatment to it.
	3 The question under discussion
	refers to this the third village only.
	4 It is evident from the papers
	that the Dewan of the day (Sir
	M Krishna Murti) had some
	doubts on the point now in question
	though he approved of the order of
	1904 above cited. The Excise
	Comm^r Mr P Ramaraya asked
	for a reconsideration of this order,
	urging reasons which the present
	Excise Comm^r Mr Sparkes (and
	probably the Asst Sec^y Mr M N.
	Krishna Rao) are prepared to recog-
	nize as valid but for a resulting
	consequence which they consider
	to be an anomaly. Their
	interpretation of Rule 13 is open
	to question & will form the subject
	of separate treatment. It should
	be sufficient here to state that
	the recognition of Kuppally as a
	privileged Inam village need
	not mean additional revenue
	to the Inamdar. It may or may
	not

NOTE—Contn. sheet.

GPB—50,000—13-5-08

G. R. S. 12]
eral and Revenue Secretariat.

Sept. File No. ~~150~~ 122 of 1903

Serial No.	
	Proving in such revenue -
	Matter ~~Proving that~~ - And the said
	~~Respondents~~ Bort Ankola Konpally
	& Kuppalur are on the same
	footing - They are contiguous villages
	Covered by the same grant from
	H.H. the late Maharaja Sri Krishnama
	Nayaker, which by the way is not
	a new grant but rather the
	Confirmation of grants from
Quotation from Diary signing Register -	Palegars & former Rajahs of Mysore.
	The villages having been selected
	to meet the grant of 500 pagodas
	made by H.H. on the occasion of
	his visit to Tanjore, and
	being contiguous there is a little
	practice in treating the villages sepa-
	-rately from each other for the
	purposes of the Zaddy Revenue, as
	there will be in treating different
	parts of the same villages separately
	from each other - From the tenor
	of the entire Diary in giving it
	appears that the plea of non enjoy-
	of Zaddy Revenue in Konghally
	is based on misapprehension of
	some sort somewhere - It may
	be that the Sirkar in Konghally
	date
	was not worked because there
	was sufficient supply of
	Zaddy

NOTE—Contn. sheet.

GPB—50,000—15-5-08

G. R. S. 12]
General and Revenue Secretariat.

S/R File No. 1822 of 1902

Serial No.

Teddy in the way.
I do not therefore add the
name of Kingsbury in the order
contained in Govt Res 587 of 3 March
1904.

2 Jan 1909

Rec'd 4.1.09 Dlw 4/1/09

2nd Jan. 09. SH

11464
5.1.09 I am not in favor
of reopening questions of this
kind. We must attach
some value to Mandelli's
unless there is something
to show that the settlement
was been made on grounds
proved to be untenable or
agreed to pack. If the V-C
Councillor thinks otherwise
the matter may be brought
before Council

[illegible] 1909

9948
24-2-09.

23.7.09. SH

NOTE—Contn. sheet.

GPB—50,000 13-5-08

Resubmit to 1st Council) I have

G. R. S. 12]
General and Revenue Secretariat.

S. R. No. 60 of 1909
File No. 1242 of 190

Serial No.	
	Do with Express the matter & there is much force in the reason assigned in the Devan's note - A brief order may issue accordingly Ftd. 27 Feby Put up draft 27/2/09 Sd 27.2.09.
	Draft submitted 11/3 11/3. May be approved 12/3.09. Sd Secretary Issue CSB 13/3/09 Sd To The Excise Board, Bangalore 13/3/09 Bangalore City & Civil Station. No: R: 4203-5 Dated 18.3.09. Rules that there is no occasion to reconsider the orders already passed.

(Draft)

NOTE—Contn. sheet.

GPB—50,000—13.5.08

No 2334 Revenue Bills. Excise Commissioner's Office

110

Dated 11th September 1903.

15-9

Serial No 01

12 Inwd.

S.R 15-9-1903

P. N. Purnaiya Esqr. B. A.

Excise Commissioner in Mysore.

To.

H. V. Nanjundiah Esqr. M. A., M. L.

Secretary to Government

General and Revenue Depart-ments.

Sir,

In submitting herewith the records of enquiry relating to the toddy Revenue of Siram Ambale, Haggalur and Hongahalli Villages, Nanjangud Taluk, belonging to Sri Raghavendraswamy Mutt, to-getter with a copy of docket No: 33, dated 2nd September 1903, from the Deputy Commissioner, Mysore District and its original enclosures, I have the honor to state that I am of opinion that the Inamdars are entitled to the Toddy Revenue of all the above villages, as the Nirup dated 20th May 1832, a copy of which is

not a Nirup but a Cowle
vide the Accountant
Jamabandi Ulthee

Ex 150 of 19/9/03.

1903

GENERAL AND REVENUE 18 SEP 1903

From
P. N. Parmaceja B. A.
Excise Commissioner
in Burgoore.

To
H. V. Nanjundiah Esq.
M. A., M. L.
Secretary to Government
General & Revenue Despatch
- ments.

Dated 11th September 1903.

Despatched 15-9-03

Received

General No. 2334

No. 110

Enclosure No. 2 files.

Subject.

Submits with his opinion the records of enquiry relating to the Forest Revenue of Imam Ambale, Haggalur and Hongahalli villages, Nanjangud Taluk.

Rec
18/9

Filed
Yes.

Ex
19.9.03

Filed with note

Ex
7/12/03.

MGCPB—50 reams—9-12-02.

is on the file, concedes Toddy Revenue to all of them.

2. No documents of the Inam Settlement having been produced by the Inamdars for Hongahalli village, the original Inam Settlement Register of it, was called for, for reference. The Superintendent of Inam Settlement has recorded in it, on the 5th September 1879, as follows:—

"Those present (vide column 20 of the asli case) admit that there is no present enjoyment of the items of Sayer and Toddy, which are reserved, as well as that of arrack." It is probable that at the time of the Inam Settlement, no trees were tapped in Hongahalli Village, and therefore those who appeared on behalf of the Inamdt, admitted that there was then no enjoyment of Toddy Revenue; but since the revenue has been alienated for all the aforesaid three villages in one and the same

Nirup

Virupa quoted above, the Inamdar cannot be deprived of it for Hongahalli Village, simply because it was not enjoyed at the time of the Inam Settlement.

3. On the 12th December 1901, the Agent of Sri Raghavendraswamy Inamdar has given a statement to the Special Sub Division Officer of Chamrajnagar, claiming the Excise Revenue of toddy shops and date groves in Ambale and Haggalur villages and the Revenue of the date trees in Hongahalli Village. There are toddy shops and date groves in Ambale and Haggalur Villages, but there are only date trees in Hongahalli Village. Accordingly the Inamdar is entitled to the Excise Revenue of toddy shops and groves of Ambale and Haggalur Villages, subject to

to Rules 2, 3, 5, 6 and 9, and to the Excise Revenue of Thongahalli village subject to Rule 13, in Government Proceedings No 207-83 R7-166-92 dated 2nd August 1901.

4. The Inamdars have produced copies of two documents in proof of their having got Toddy Revenue for Thongahalli Village prior to 1892-93.

I have the honor to be,

Sir,

Your most Obedient Servant

M Krishna

Excise Commissioner

Mysore

Now that the Inam is entitled to Excise Revenue either under the Inam settlement or by reason of immemorial enjoyment for a period of not less than forty years has not been proved in regard to the Excise Revenue in question, we are of opinion that the Inamdar should be awarded only a share of the net Revenue.

1903-04.

Enclosures (1)

From

R. Kantaraja Aiyar Esq.,
Officiating Deputy
Commr., Anjengo.

To C. R. Ingman Esq., B.A.,
Excise Commissioner
in Cochin.

Dated 2 September 1903

General No. 33.

Enclosures 2 files.

His docket No. 5084, dated 23/26 February 1903, 141 returning the records of enquiry relating to the Toddy nuisance of Irava Amboke, Kaggaleur and Kongakalli villages in the Kunjunguttu taluk.

With reference to the above, I have the honour to forward herewith report No. 86/26, dated 16/19 July 1903, together with its enclosures received from the Excise Inspector, Kunjunguttu Range, from which it will be seen that (1) no information can be obtained as to whether the date trees in the Kongakalli village were tapped before

1892 93, (1) that taxes which were taxed before 1892 93, are not now existing to see whether they be assessed rates, and (3) that taxes in the Province of this village are not being taxed for any thing since 1892 93.

2 The accounts received with the above, are herewith returned.

/signed/ M. Kuriyama
Obj. Asst. Com.

/True copy/
Kusuta Kuriyama
Asst. Commissioner
Civil Affairs

~~Order~~

The Inam villages of Amble & Kaggalur
~~are in~~ and Konguballi are in the
enjoyment of the Rajahmundry
Zamindary subject to Varyanjeed.

The Inam Settlement Regulation
the first two named villages & the
title deeds of the village have
been produced in support of the
claim of the Mutt to Todry Revenue.

The claims of Shendi having
been conceded to the Inamdars,
the claim of the Inamdar of
to the Excise Revenue of
Amble & ~~Konguballi~~ Kaggalur
will be recognised.

As regards Kongahalli, no documents have been produced in support of the claim. There is also no Shekdar kept in the village. Therefore no orders need be passed in regard to this village.

The dravidan is liable to pay the Local Cess & Sublishment charges from the Land Revenue payable to Ambla & Kagalur.

6.12.02 A.C.

Amount varies according to realizations_ Rs. 5-99	8	Amount awarded if any
The Inam villages of Amble, Kaggaloor and Konga-halli are in the enjoyment of Sri Raghavendra-Swami Mutt at Manjanguid. The Inam Settle-ment registers of the first two named villages and the title deed of the first village have been produced in support of the claim of the Mutt to the Toddy Revenue. The items of Shendi having been conceded to the Inamdar, the claim of the Inamdar to the Excise Revenue of Amble and Kaggaloor will be recognized. As regards Kongahalli no documents have been produced in support of the claim. There is also no shop kept in the village. Therefore no orders need be passed in regard to this village. The Inamdar is liable to pay the Local cess and		Grounds of decision

Special Sub Collector's Office, Chikmagalur

I

Assistant Commissioner
in charge of the Sub Division

Dated 5th December 1902

		1. Name of Village	1. Amble 2. Kaggalore 3. Kongahalli.
		2. Name of Inam Holder	Kayamputta
		3. Name of Inamdar	Sri Raghavendraswami Mutt v. Kayamputtalar
1. Samvad dated 27th September 1830. 2. Inam title deed of Amble village and settlement registers of Amble and Kaggalor villages. 3. Mutchalikas from the several Toddy Contractors from 1875 to 1890.	9	4. Documents relied upon	
Lakshmi Narayanachar.	9	Witnesses examined	
claim for Excise Revenue of Amble and Kaggalor villages recognized.		Finding	

Vide Proceedings of the Collector of Kadur District, dated 1st January 1903 No. 1. Excise

Referred J. R. 15/11/1903

Ex 2428 23/11/03.

1903-04

No. 946

Name of Petitioner Durgada Lakshu - Narayandchar

Village agent. Rajaveera Swami Matt.

Taluk Nanjungud

District Mysore.

Date of Arzi 17-3-1903

Date of Receipt 20

ate of Disposal

o. of Enclosure Nil.

23
10-11-03

(illegible)

12/11/03

Two Rupee stamp affd.

Transferred to the Excise Branch for disposal.

23
13-12-3

(Early) Hon

20/11/3

Recd
23/11/03.

ABSTRACT.

In accordance with the Govt. order, the petr. applied to the Dy. Comr. of Mysore and to the Excise Comr. for settlement of the Sendi income of the Sarvamanya village attached to the Rajaveera Swami Matt of Nanjungud, and for payment of the arrears of the same. He was informed through

ty the decision [illegible]
at the case has been
ending with the Govt.

Prays for early
disposal of the case

10/10/[illegible]

Durgada Narasimhacharya
17/10/03

Mysore Government
General and Revenue Secretariat
Petition Department
Reg'd No 9424R
Date 20-10-03.

By post reg'd
20-10-03

12

Office Draft. (Docket.)

Mysore Government,
General & Revenue Secretariat.

S.R 122 / 1803

To Several D'o's
The Secretary of Inam
Settlements.

Date of passing the draft 30/1/04
Date of despatch 2/2/04

Regd. No. 541
File No. & date (if any) Ex 7/1201.

No. of Encls. 12le.

In forwarding herewith for perusal
~~will be forwarded to~~
Spicer Rasheeduddin
Swami Nath's claim
to the toddy & cocoa
nut revenue of Arable,
Kaggalu & Kongalli villages in the
Nanjangud Taluk,
I have the honour to
invite attention to
Subedar's Jari Sutra
the ~~Firman~~ of 20th
May 1832 which
conceded the claim
of "Shendi"
~~toddy revenue~~

This paper is the Amildar's order (1705)
of Parkattegar 28/9 - It is not Nirup.
It refers to a Nirup of 12 May 1832,
a Sehrul Proclamation issued by the former
Govt which is not on the file.

of all the Buildings &c in the
14 ~~the~~ to the Trench
& consequence whether
the Peace Settlement
with the Sold & Their Heirs
today in respect of one out of the said three villages named
of ~~the~~ ~~today~~ ~~present~~
of Mongalealle ~~from~~
2 ~~the Trench~~. Nefarious of acc
early guilt is solicited
BG

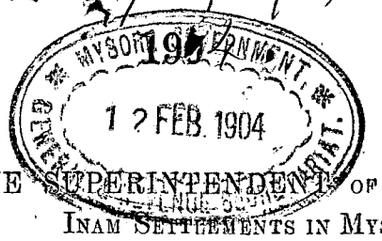
30/1/04

Forbes

Tyler
29.1.04.

E4325 & 12/2/04

14



From

THE SUPERINTENDENT OF
INAM SETTLEMENTS IN MYSORE,
BANGALOR

To Serial No 3
THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPT

S.R. 122 of 1903

Dated 9th
Despatched 10 } February
Received

No. 89 of 1903-04

Enclosure No. one file

With docket No 541 / E4 F 12-01 of the 30th January 1904, enqu why the Joddy revenue w reserved in the Kongalad village, Nanjangud Talu at the Inam Settlement

---

In reply, has the honor state that the item "Jodo was admittedly not enjoyed the Inamdar at the Settlem and was therefore reserve A copy of Colonel Cole's decis from the Inam Registe enclosed for information.

2. The enclosures of the dock under reply, are herewith retu

Supt of Inam Set

MGCPB—28-12-02—200 in Mys

Recd 12/2/04.

Col. 20.

1. Confirmed free in the name of the Inhutt, but subject to all Local Fund and Irrigation cesses.
2. Those present (vide Column 20 of the Atli case) admit that there is no present enjoyment of the items of Lanes and Todry, which are reserved as well as that of Arrack.
3. As regards the tenure of this Village and all other points vide Col: 20 of the Atli case Register No. 115.

Nanjangud
5th September 1879 } (Signed) Robt Cole
Supdtg Inam Settlt.

4. Revised as per the Government Proc: No. 14223-5 / O.T. 100-93 dated 17th February 1894.

5. Vide the statement received with the Survey Superintendent's Yadi No. 102 dated 15 March 1900.

Total area & assessment	644.30	278-4	m
Deduct for a Minor Inam	0.29	1-8	m
	644.1	276-12	m

Particulars

Unculturable	231.19	3	m
Dry Cultivated	384.26	265-8	m
Culturable waste	26-0	4-4	m ¼ Assd
Garden Cultivated	1.36	4	m
Total	644.1	276-12	m

Finally Confirmed Free of Duty.

(Signed) U. S. Grant

6-8-1901

- Copy -

Asst

Supt Treas Bldg.
in Duplicate

Mysore Govt. Gen. & Rev. Secretariat,
Excise Branch.

File No. (if any) and its date—

I RFT 122 of 03

Q 21/12/03

Seen Q 4/3/04

Office Draft.

Serial No 4

Progs. of the Govt. of H. H. the Maharaja of Mysore.

Read: Letter no 2334/160, dt 15th Sepbr 03 from the Excise Comr & in Mysore reporting on the claim of Sri Raghavendra Swami Mathr to the toddy excise revenue of Sarvamangam Ambale, Kaggalur & Kongahalli villages in the Nanjangud Taluk, Mysore Distt...

Order: No 587-8 Ex 7/201 dt 3/3/04.

The villages of Ambale & Kaggalur contain each a toddy shop & a grove. Concerning with the Investigating Officer and the Excise Comr,

Govt are pleased to allow the Inamdars claim to the todda of the revenue of these villages, subject to rules 2, 3, 5, 6, 9 & 12 contained in the G.O. of the 2nd Accountant. The other villages, viz, Kongahalli contains only a grove but no todda shop. The Settlement has reserved the todda of the revenue of this village to Govt. & there is no sufficient proof of the enjoyment of this revenue by the Inamdar under rule 20. Govt therefore, concerning with the investigating Officer but differing from the Excise Comr, disallow the claim in respect of this village as the Inamdar

06698

a. the Inamdar's claim to the todda revenue of this Inam settlement with the old from this Inamdar of Kongahalli village

25/1/04

29/1/04

29/1/04

the Imam Dept. has been long acquiesced in letter Mail & as no ~~case~~ for Recovery ~~has been made~~ ~~out~~. 2/3/04

Dy Secy

To Accountant General in New Delhi for information & necessary action.

The Comptroller, Delhi.

Dy

29.2.04

True 9.12.03

9/12

2/3/04

Proceedings of the Government of His Highness the Maharaja of Mysore, Excise, dated 3rd March 1904.

READ—

Letter No. 2334—110, dated 15th September 1903, from the Excise Commissioner in Mysore reporting on the claim of Sri Raghavendraswami Matt, to the toddy Excise revenue of sarvamanyam Amble, Kaggalur and Kongahalli villages in the Nanjangud Taluk, Mysore District.

No. 587-8—Ex. F. 12-01, DATED BANGALORE, 3RD MARCH 1904.

ORDER THEREON.—The villages of Amble and Kaggalur contain each a toddy shop and a grove. Concurring with the investigating officer and the Excise Commissioner, Government are pleased to allow the Matt's claim to the toddy Excise revenue of these villages, subject to Rules 2, 3, 5, 6, 9 and 12 contained in Government Order of the 12th August 1901.

The other village, *viz.*, Kongahalli, contains only a grove but no toddy shop. The Inam Settlement has reserved the toddy Excise revenue of this village to Government and there is no sufficient proof of enjoyment of this revenue by the Matt under Rule 20. Government, therefore, concurring with the investigating officer, but differing from the Excise Commissioner, disallow the Matt's claim to the Excise revenue of this village, as the decision of the Inam Department has been long acquiesced in by the Matt, and as no enjoyment has been made out, nor any case for special treatment.

L. ANANTASAMI RAO,
Offg. Secy. to Govt., Gen. & Rev. Depts.

-The Excise Commissioner in Mysore, returning records.
The Comptroller to the Government of His Highness the Maharaja of Mysore.

1903-04

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

EXCISE

PROCEEDINGS

Dated 3rd March 1904

No. 587-8 Ex. F. 12-01

Passing orders regarding the Inamdar's claim to the toddy excise revenue of Amble, Kaggalur, and Kongahalli villages in the Nanjangud Taluk, Mysore District.

SBP—16-3-04—200

Office of the Excise Commissioner in Mysore. Dated Bangalore 28th April 1904.

No 8500/337.

Sel. P. Rev 127/03

Serial No 5

From

P. N. Purnaiya Esquire, B.A.

Excise Commissioner in Mysore

To.

L. Anantaswami Rau Esquire B.A.

Offg. Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Departments.

Sir,

I have the honor to acknowledge the receipt of Government Proceedings No. 587—8 Ex. Fr 12—01 dated 3rd ultimo, passing orders regarding the Inamdar's claim to the Toddy Excise Revenue of Amble, Kaggalur and Kongahalli villages in the Nanjangud Taluk and to respectfully submit the matter of Kongan ahally village for favor of reconsideration.

2. In disposing of the claim of the Inamdar

- 445-87/15/04.

- I/Dec. 1715

Farmer
17/5-

190

FROM P. N. Purnaiya Esqnire B.A.
Excise Commissioner in Mysore.

To L. Anantaswami Rau Esqnire B.A.
Offg. Secretary to the Government
of His Highness the Maharaja of
Mysore, General and Revenue De-
-partments.

Dated 28th April 1904.

Despatched

Received

General No. 8500

No. 337.

Enclosure No.

Submitting for reconsideration
the matter of the Inamdar's
claim to the Toddy Excise Re-
-venue of Kongahalli Village.

Inamdar to the Toddy Revenue of Amble, Kaggalur and Kongamahally, the Government seem to have treated each village Separately.

3. The Nirup of His Highness the late Maharaja Krishna Raj Wodeyar Bahadur Renewed to the mutt of Sri Raghavendraswamy the endowment of villages worth 500 pagodas by the grant of the three villages in question, and the Jakis of Narsiah Amildar of Kalale Dated 20 - 1832 in Removing them from Confiscation, directed that the entire Revenue of the villages, including the realizations from Land, Miscellaneous items, Sayar, Sendi, Bajebab &c Should be made over to the mutt.

Where is the Nirup?

Send a Nirup in the Enclosed Cover to Hagalvadi 13/8/04

4. In the Inam Register of Amble Village, all the 3 villages are dealt with and the Superintendent of Inams in paras 9 and 10 of his order in Col. 20, Says "all villages are liable to all local and irrigation cesses." "The items of Sayar and Toddy are conceded as included in the original Beriz of the Village."

5. On a reference to the Topo Sheet, that

that all the three villages are situated close to each other and form a group. Two of them have Toddy Shops which receive their supply from the Ryuans in those villages and in the village of Kongauahally Vide the Statement of the Inamdar's agent dated 12th December 1901.

* Amble and Kaggalur

6. From the above, it will be seen that the Inamdar in his estate of 3 villages, has two Toddy Shops and been enjoying the Excise Revenue of the Estate. If each village had formed the Subject of a Separate grant, and the Boriz of it had been Separately Shown, the Inamdar would be bound to show his right to any of the items of Revenue conceded to him, by his enjoyment there of in that village. The Case of the Inamdar in question is quite different and in my humble opinion he is entitled to the treatment of his three villages as one grant and to the Toddy Excise Revenue thereof.

7. As Regards the observation of the Government that the decision of the Inam Department in the Case of Kongahally has been long acquiesced in by the Mutt,

I beg leave to submit that this decision is opposed to what has been recorded in the Register of Amble village and that the Inamdar has evidently no cause to complain as there is nothing to show that his enjoyment of the usufruct of the Toddy trees was at any time interfered by Government.

8. Under the foregoing circumstances I venture to state that the case does not fall under Rule 20, and that the Inamdar is justly entitled to the Excise Toddy Revenue of Kongahally village also under Rules 2, 5 and (9) 9a

I have the honor to be,

Sir,

Your most obedient Servant,

R. G. Galloway

for Excise Commissioner

Mysore

Dev 2417 1904. 28

From

Serial No 6

Secy. to the Govt. of His Highness the Maharaja of Mysore, Genl. and Rev. Depts.

J. R. 1569-03

To

The Excise Commissioner in Mysore.

Dated 21st July 04

Despatched

Received ✓

General No. 7424

No. 5:R 12-01

Enclosure No.

With reference to his letter No. 8500/337 dt^d 28th April 04, Submitting for reconsideration, the matter of the Amildar's claim to the Toddy Excise revenue of Kongahalli village, has the honor to request that the records connected with the case may be sent at an early date.

B. O.

4.7.04

For Secretary.

4.7.04.

G. R. S.—29A

Dy 2417 1517 1904

Hl: Diary No: 3461/9

1904

From Serial No 7

P. N. Purnaiya Esquire B. A

Excise Commissioner

in Mysore

To

B. K. Venkatavarada Iyengar Esq

Offg. Secretary to the Government

of His, Highness, the Maharaja

of Mysore, Bangalore

Dated 23rd } July 1904

Despatched 26 }

Received

General No. 634

No. 16

Enclosure No. 1 file

Subject

Forwarding entire record connected with the Inamdar's claim to the Toddy Excise Revenue of Kongamballi.

S.R. 1569 1903

No. 6364/16

Excise Commissioner's Office

Dated, Bangalore 23rd July 1904
26

From

P. N. Purnaiya Esquire B.A.
Excise Commissioner
in Mysore

To

B. K. Venkatavarada Iyengar Esquire
Offg. Secretary to the Government of
His Highness the Maharaja
of Mysore, Bangalore.

Sir,

As requested in your docket No. Fl:424/S.R.12-04 dated 21st July 1904, I have the honor to forward herewith the entire record connected with the Inamdar's claim to the Toddy Excise Revenue of Konganhalli.

I have the honor to be,

Sir,

Your most obedient Servant.

R. Gokalacharyar

for Excise Commissioner
Mub. in Mysore

1904.

From

Secy. to the Govt. of His Highness
the Maharaja of Mysore,
Genl. and Rev. Depts.

To

The Inam Supdt. &c
Inams & Settlements in
Mysore

Dated
Despatched 21st July 1904
Received

General No. 7425

No. SR 12-01

ENCLOSURE No. two

Forwarding his no 89 & 9th Deboz, here

Has the honor to forward herewith a copy of letter No. 8500/337 dated the 28th April 1904, from the Excise Commissioner in Mysore, submitting for reconsideration the matter of the Inamdar's claim to the Toddy Excise Revenue of Kongahalli Nanjangud Taluk, Village, and to request that the Inam Supdt. will be so good as to favor Government at an early date, with his opinion on the Excise Commissioner's representation.

G. R. S. 29A

2. A copy

2. A copy of the Govt. Order No. 587-8 Sx.T.12-01 dt 3-3-04 passing order on the subject is also enclosed for reference

By Order

Jr. Secretary

all
4.7.04
nil
2007.

11
Dated 30
Settled.

SR 869 02-03 122

Fl: Diary No: 413 (32)

1904

From Serial No 90

The Superintendent of Inam Settlements in Mysore

To

The Secretary to the Government of Mysore Revenue & General Departments.

Dated 29th
Despatched 30th
Received
July.

General No. 14
No.

Enclosure No.

With reference to his docket No. Fl 425 / SR-12-01 dated 21st July 1904, requesting the Inam Superintendent's opinion on the Excise Commissioner's representation regarding the Inamdar's claim to Toddy Excise Revenue of Kongahalli Village, Nanjangud Taluk, has the honor to State that the Excise Commissioner's contention, as contained in his letter No. 8500 / 337 dated 28th April 1904, in favor of conceding the Toddy revenue

to

3

to the Inamdar of Kongahalli Village, appears to the undersigned to be sound and may be acted on

Superintendent of
Indian Settlements
in Mysore.

1904. 34

From Serial No 10

Secy. to the Govt. of His Highness
the Maharaja of Mysore,
Genl. and Rev. Depts.

To The Superintendent
of Inam Settlements
in Mysore.

Dated

Despatched 1st September 1904

Received

General No. H 1300

Ex7 No. 12-01

Enclosure No.

With reference to his docket
No. 19 & 29/7/04 ~~from~~ the Inamdar's
claim to the toddy revenue of
Kongahalli village, Nanjangud
Tk, has the honour to state
that it is not clear how
the opinion therein given
can be reconciled with
the decision of Col: Cole
referred to in his docket
No. 89 & the 9/2/04 and to
request that he will
be so good as to give
~~his~~ reasons for ~~stating~~
~~that~~

Camp
Ex

5

~~The Legal Comm'r's~~ his view that
~~suggestion regarding~~
the Zamindar's claim
to the todry revenue
of the said village seems
to be sound and may
be acted upon.

1878

Mully 16/8/78
for Asst Secy.

7/8

Diary No: 1114

1904 Serial No. 12

From The Superintendent of Inam Settlements in Mysore

To The Secretary to the Government of Mysore General & Revenue Departments

Dated 17th
Despatched 17
Received
General No. 36
No. 36

September

Enclosure No.

His docket No. Fl. 1300 & F. 12-01 dated the 1st September 1904.

He has the honor, in reply, to state that the opinion given by the undersigned in docket No. 19 of 29th July 1904 regarding the claim to toddy revenue of the Kongahalli village was based upon the consideration that the 3 villages held by the claim-dar should receive the same

owner treatment, should in fact be treated as a Collective grant. This view is shared by the Excise Commissioner. Colonel Cole's decision cannot, of course, be reconciled with this view which is suggested in supercession of that officer's decision.-

J. Speed

Superintendent of Lands
All Claimants in Vayase

G.R.S. 26]

S.R. 122/1905

38

Ex-7 File No 12-07

Serial No 12

Diary No. of letter replied to 1114

No. H 4416
Ex 7-12-01

General and Rev. Secretariat
(S.R.G.
, the 17th January 1905.

Date of issue do

Signed by Mr Subrayaya Chetty for

To

The Superintendent of
Inam Settlements in
Mysore

with reference to
the Correspondence ending
with his docket no
36 of the 17th September 1904
regarding the claim of
Sri Raghavendraswami
Mutt to the toddy revenue
of Kongahalli village
in the Nanjangud
Taluk, Mysore District
has the honor to enquire
whether the Inam Settle-
ment was brought to
the notice of the Inamdar
either expressly or

over.

SUBJECT.

S.R.

List of enclosures,

Copied by

Examined by

MGCPB—20,000-19-12—04.

C.P.S. 961

Sw 71

2

Ex 40

122 ~~Ex~~ File No. ~~120~~

Diary No. of letter replied to 346

SR ~~401~~ 02 Serial No 13

No. H 4417

Ex 12-01

General and Rev. Secretariat

(S.R.)

, the 17 January 1905.

To

The Excise Comr

in Mysore

Date of issue do

Signed by Mr Sabzaraj Asst Secy

With reference to ~~Correspondence~~ ending with his letter no 630 of the 23rd July 1904 regarding the claim of Sri Raghavendra Swami Matt to the toddy revenue of the Konjahalli village in the Nanjangud Taluk, Mysore District, has the honor to enquire whether there is any toddy revenue in this village and whether

over.

SUBJECT.

Govt. have taken credit for such produce either directly or through their farmers & vendors during the period since the settlement of the Inam village by the Inam Department; and c what is the explanation of the Inamdars in which has to of their long acquiescence in the Inam Settlement rejecting their right to levy revenue -

B.C.

11.1.1905

Secretary

Dewan's note of

List of enclosures,

Filed 30/11/05

11.1.05

Copied by

Examined by

MGCPB—20,000-19-12—04.

42 — D. 3087 — Miles 5617 — 1905. — Rev

From The Superintendent of Inam Settlements in Mysore

To The Secretary to the Government of Mysore General & Revenue Departments.

Dated
Despatched
Received } 27th January.

General No. 75
No.

Enclosure No.

With reference to his docket No. F-4417 / 4-7-12-01 of the 17th January 1905, has the honor to state that the Inamdar of Kongahalli village in the Nanjangud Taluk was not informed of the results of the Inam Settlement in regard to Toddy Revenue direct from this Office. He seems to have got the information from the Copy of the Inam Register furnished to him.—

Superintendent of Inam Settlements in Mysore

Excise Commissioner's Office,

No. 4128 Dated, Bangalore, 29th October 1908.

From

H. H. Sparkes, Esquire,

Excise Commissioner, in Mysore.

To

K. S. Chandrasekhara Aiyar, Esqr., B.A. B.L.,

Secretary to the Government of His Highness the

Maharaja of Mysore, General and Revenue Depts.

Sir,

Adverting to your docket No. Fl.4417/Ex. F.12-01, -- dated 17th January 1905, calling for additional information — regarding the Inamdar 's claim to the Excise Revenue from toddy of Sarvamanya Kongahalli village in the Nanjangud Taluk, I have the honor to state that the village contains a grove but not a toddy shop. This grove was not sold by Government during the — Farming System, that is to say, from 1892-93 to 1896-97. Under the Tree-tax System trees were tapped in this grove during the years 1901-02, 1904-05, 1906-07 and 1907-08 and the Inamdar -- should have ~~recovered~~ became tree rent from the contractors for having allowed his trees to be tapped. Prior to 1892-93 there is --- nothing on the records to show how far this grove was utilized. The Inamdar has produced two gutta chits. The first of these is dated Soumya (1850-51) and purports to have been executed by one Eadigara Obegowda who agreed to pay one rupee for the right of vending toddy for the year in the village of Kongahalli. The second document is dated 3rd April 1864 and is to a similar -- effect. Beyond these the Inamdar has not produced any evidence of having derived any toddy excise from this village.

2. The Inam Settlement of the village was conducted in the year 1879 and since that date till 1892-93, the toddy ---

contract

contract was farmed out by Taluks and Districts. The Inamdars were allowed to make their own arrangements with the Government Contractors and therefore there was neither a necessity nor an opportunity for Government to take credit for the toddy produce of Kongahalli village either directly or indirectly or through its farmers and vendors. The Amildar of Nanjangud also states in his report No.185, dated 3rd December 1907 that there are no references in the Taluk office to show that the Government have taken credit of the toddy revenue of the village during the -- period in question.

3. The only explanation given by the Inamdar for his --- long acquiescence in the Inam Settlement rejecting his right to the toddy Excise revenue of Kongahalli village is, that he was not aware of the adverse decision of the Inam Superintendent -- till the question was raised lately. No doubt the three villages of Ambale, Kaggalur and Kongahalli were granted by the same — sannad and whatever rights might be held to have been conceded in the case of the first two villages, the same must be held to have been conceded in the case of the third village also. This view is not disputed at the Inam Settlement but the ground on which " Toddy " was reserved to Government at the Inam Settlement is, that there was no enjoyment of the right by the Inamdar. Since the Inamdar has not been able to produce any evidence of enjoyment of the right during any of the years except 1850-51 and 1864 he must be held to have acquiesced in the decision of the Inam Superintendent.

4. The only ground on which the Inamdar can advance his claim is that the right was conceded in the Sannad. But against this concession has to be weighed the adverse decision of the Inam Superintendent, and the want of enjoyment of the right by the Inamdar from a very long time. Besides this case presents peculiar features which have to be duly considered. In the first place, the three villages are situated close to one another and form a group. Both Ambale and Kaggalur contain toddy shops and

the

the toddy Excise of these villages has been allowed to the Inamdar. Kongahalli does not contain a toddy shop and the grove in this village was not sold during the Farming System nor were -- any trees tapped therein during the preliminary tree-tax system. In these circumstances even if the Inamdar is held to be entitled to the Excise revenue from toddy of Kongahalli village, the -- only amount payable to him will be an annual lump-sum grant - under rule 13 of the rules of the 2nd August 1901. He will get nothing for the Farming period or during the preliminary tree-tax system. Rule 13 as I understand it, lays down the principle that the tax on the toddy consumed by the inhabitants of the -- Inam village is to be paid to the privileged Inamdar. But if this rule were applied to the present case of Kongahalli, ---- Government would be making double payment to the Inamdar on -- account of the toddy Excise. Ambale and Kaggalur both of which contain toddy shops are situated close to Kongahalli and the -- drinking population of the latter village resort to the shop in either of the former two villages. Thus the toddy revenue of -- the two villages comprise the tax on toddy consumed in all the three villages and as such the revenue now paid to Inamdar on account of the two villages includes the toddy revenue of Kongahalli also. The case may be better put by supposing that there is a toddy shop in the Kongahalli village. In such a case not only the tree-tax but the shop-rental of Ambale and Koggalur ~~wil~~ will decrease to the extent of the amount fetched by the tree-tax on trees tapped for the Kongahalli shop and the shop-rental thereon. The total amount payable to the Inamdar on account of all the three villages will, therefore, be the same as that now paid on account of the two villages only. But by bringing the case of Kongahalli under rule 13, Government would be paying -- not only what the Inamdar would have got under the most advantageous circumstances, namely, the existence of a shop and a --- grove, but something more to which he is not entitled and which

belongs

belongs to Government. For these reasons I am of opinion that the Inamdar is not entitled to any Excise revenue from toddy on account of Kongahalli village.

5. A copy of the Mysore Deputy Commissioner's docket No. 385, dated 12th February 1908 together with its enclosures is herewith submitted for reference. The records connected with -- the Inamdar's claim to the toddy revenue of Ambale and Kaggalur received under cover of your letter No. Fl.4313, dated 29th -- February 1908 are resubmitted together with a copy of the Inam Register of enquiry of Kongahalli village.

S

I have the honor to be,

Sir,

Your most obedient servant,

Excise Commissioner .

47

From

The Deputy Commissioner,

Mysore District.

To

The Excise Commissioner

in Mysore.

Dated, Mysore, 6/12th February 1908. No.385. Enc. 1 file.

- - - - - - - - - - - - -

His Memo No.5023/206, dated 18th January 1905 forwarding copy of Government Order No. Fl.4417/Ex.F.12-01, dated the 17th January 1905 calling for certain information in regard to the toddy revenue of Kongahalli village, Nanjangud Taluk.

- - - - - - - - - - - - -

In reply to the above, has the honor to forward herewith the correspondence ending with report No.185, dated the 3rd December 1907 from the Amildar, Nanjangud Taluk and to --- state as follows:-

One Krishnama Char, Agent of Sri Ragavindraswami Matt the Inamdar of Kongahalli village, Nanjangud Taluk, appeared -- before the District Excise Officer, Mysore, on the 25th November 1907 and gave a statement (herein enclosed) that only one -- Sannad was granted to the Matt for 3 villages, viz, Ambale, -- Kaggaluru and Kongahalli. The Matt believed in good faith; as it was enjoying the toddy revenue of the 1st two villages, that -- toddy revenue of Kongahalli village was also conceded. The Matt was ignorant of the order disallowing its claims to the toddy revenue of Kongahalli at the time of the Inam Settlement of the village in question till now when it was called upon to explain for the long aquiescence in the Inam Settlement rejecting its right to the toddy revenue. It can be inferred from the receipts marked A and B (herein enclosed) given to the Matt from the contractors that the Matt was itself disposing of the right of

vending

vending toddy in the Kongahalli village during the years 1850-51 and 1864 and receiving the toddy revenue direct from the -- contractors. The Matt was receiving only the tree rent for the trees tapped in the Kongahalli village since the tree-tax system was introduced.

It is clear from the statement of the Range Inspector Nanjangud sent to the Amildar with his Yadi No.393, dated ---- 1-11-1907 that 299 trees have been licensed in the Kongahalli -- village for the local shops of the Nanjangud Taluk during the years 1901-02, 1904-05, 1906-07 and 1907-08, the tree-tax thereon amounting to Rs.328-15-0 having been credited into the Treasury.

The Amildar states in his report No.185, dated 3-12-1907 that there are no references in the Taluk office to show that the Government have taken credit of the toddy revenue of the -- Kongahalli village from 1879 to 1892-93. There has been no shop in the village from time immemorial and it cannot be guessed how it was closed and why the Matt did not move for its revival so long a time. As the Matt slept over its rights for so many years and was satisfied with receiving the tree-rent only since the introduction of the present system it cannot claim anything more.

(SD) M. Kantharaj Urs.

Deputy Commissioner.

" Copy "

Excise Commissioner

in Mysore.

G.R.S. 28]

3 copies

File No. 12-97
Serial No. 16

Diary No. of letter replied to 1477

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(SRA)

READ—

G.O no 587-98 Ex 3-12-01 dt 3-3-04 allowing the claim of Sri Raghavendraswamy Mutt to the toddy revenue of Sarvamangam Ambale and Kaggalur villages in the Nanjangud taluk, and disallowing the claim in respect of Kongahalli village in the same taluk

2. Correspondence ending with letter no 4128 dt 29-10-05 from the Excise comr in Mysore regarding the Mutt's claim to

over

, *the* 190

Date of issue 18 Dec 1906

Signed by W Hayavadana Rao

ORDER THEREON.—No.

SUBJECT

Copied SR 16/3

GPB—10,000—10-4-06

the toddy revenue of Kongahalli
village.

—

Order thereon. No. H 4203-5 / Ex 12-01 dt 18th March 06

Govt observe that
the decision of the Inam Settle-
-ment, reserving the toddy
Excise revenue of the village
to Govt, cannot be held valid,
as there is nothing to show
that it has been made on
grounds proved to be untenable
or opposed to facts. There is
thus no occasion to reconsider
the orders already passed in
the Govt Ord read above in
respect of the claim in question.

Secretary.

Sd

Sd

Sd

Sd

To. The Excise Com^r returning records
Comptroller
Inam Supdt, with reference
this letter no 75 dt 7.1.05.

Sd 11/3.

No. 4416 of 17-January-1905—

Enquiries whether the Inam settlement was brought to the notice of the Inamdars either expressly or constructively

13. To the Excise Commr—
No. 4417 of 17-January-1905.
Calls for certain additional information in the matter.

14. From the Inam Supdt
No. 75 of 27-January-1905.—
States about the non-communication of the Settlement to the Inamdars and that he seems to have got the information from the copy of the Inam Register supplied to him

15. From the Excise Commr
No. 4128. of 29-10-1908.
Submits the additional information called for.

16. To the Excise Commr, the Comptroller, & the Inam Superintendent &c.
Declines to reconsider the orders already passed in the matter. The Todda Revenue of Kongalamby Nilgiris.

21-11-11.